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IV. REMARKS/ARGUMENTS

Subsequent to the Office Action mailed 8/16/2007 (the “present Office Action), claims 1-3 are pending in the Application. Claims 1-3 stand rejected. Claims 1-3 have been amended. No new subject matter has been added to this application. Reconsideration of Claims 1-3 is respectfully requested.

Background

The present Office Action levies the same rejections against claims 1-3 as were levied in the previous Office Action mailed 4/6/2007 (the “previous Office Action). Moreover, the present Office Action additionally dismisses Applicants’ remarks made in the response filed on 7/6/2007 distinguishing Applicants’ claims over USPN 6,535,861 (*O’Connor*) and over the combination of USPN 6,514,079 (*McMenimen*) in view of USPN 5,602,982 (*Judd*) and USPN 5,788,504 (*Rice*). In particular, the present Office Action alleges that Applicant contested a claim limitation “an integrated tool from which the business process is supported and task are completed” which was not actually in the claims being examined.

Broadest Reasonable Claim Interpretation.

In the rejections of claims 1-3 under both anticipation and obviousness theories, the present Office Action appears to misapply Applicants’ remarks in the response filed on 7/6/2007, going so far as to assert that Applicants somehow attempted to have language from Applicants’ specification imported into the claims being examined. (see para. 7, 8, and 8 of subject Office Action). In fact, Applicants’ remarks in the prior response filed on 7/6/2007 merely provide support for the broadest reasonable interpretation of the claims being examined which, of course, are not properly interpreted in a vacuum. Rather, proper

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interpretation of the claims during examination requires that they be examined in accordance with the broadest reasonable interpretation *consistent with the specification*. *In re Hyatt*, 211 F.3d 1367, 1372, 54 USPQ2d 1664, 1667 (Fed. Cir. 2000) (emphasis ours). The broadest reasonable meaning is with respect to their ordinary usage as would be understood by one having ordinary skill in the art *taking into account teaching from the specification*. *In re Morris*, 127 F.3d 1048, 1054-55, 44 USPQ2d 1023, 1027-28 (Fed. Cir. 1997) (emphasis ours). It is the use of the words in the context of the written description and customarily by those skilled in the relevant art that accurately reflects both the “ordinary” and the “customary” meaning of the terms in the claims. *Ferguson Beauregard/Logic Controls v. Mega Systems*, 350 F.3d 1327, 1338, 69 USPQ2d 1001, 1009 (Fed. Cir. 2003).

Applicants respectfully assert that the subject Office Action has improperly interpreted Applicants’ claims. The specification must be considered to arrive at the broadest reasonable interpretation consistent with the interpretation one having ordinary skill in the art would reach in accordance with ordinary and customary usage. With particularity, this requires reconsideration and reexamination of claims 1-3 respecting “integrated tool” and “application system” as those limitations are set forth and utilized in the claims. Such reconsideration and reexamination are respectfully requested.

A valid interpretation of Applicants’ claims during examination requires consideration of portions of the specification relevant to the interpretation of the claims. These relevant portions will be set forth herein below, including those portions previously set forth in the response filed on 7/6/2007 supplemented with additional relevant portions and sections from the present application Pub. No.: US 2002/0142273 A1.

Applicants’ specification discloses a learning aid that integrates a business process and an application system so that training and use become merged together [para. 0001].

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[0001] The present invention relates to training methodology and more particularly, to a learning aid that integrates a business process and an application system so that training and use become merged together so that the user/learner has ongoing access to system and process familiarity for on-the-job training, refreshers, updates and subject matter expert guidance.

When an application tool is created to carry out a business process the training is integrated into the system [para. 0009].

[0009] The interactive process learning aid is aimed at matching training with challenging work assignments; subject matter experts; and peer communications, on the job. This is achieved by building knowledge management into the system tool and making it available to employees at their workstation so that when an application tool is created to carry out a business process the training is integrated into the system.

The learning aid resides, in essence, as an integral part of the [business] process and software system so that when rolled out to users, the process and application tool are accessible and support the user in learning the system [para 0020].

[0020] In the exemplary embodiment the invention resides in essence, as an integral part of the work order process and software system so that when rolled out to users, the process and application tool are accessible and support the user in learning the system. The user/learner is taught the relationship between the business process and application tool through a series of process-application scripts. The scripts consist of text and diagram based material supported by voice-over guidance. Within the process-application scripts, the user/learner is guided through activities, steps, logic, cadence and priorities. Features of the application tool that

The business process learning aid includes functions for assisting a user/learner in carrying out tasks associated with completing the business process wherein the functions include a task resource that assists the user/learner in performing a task within the process [para. 0007].

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[0007] On a high level, the invention is a tool that allows user/learners to fully envision the actions required to accomplish their assignment. Aspects of the present invention reside in an interactive process learning aid that targets driving down the complexity of business processes by providing business process expertise at employee workstations on the job, and targets driving down application system complexity by building knowledge management into the system tool and making it available at employee workstations. This occurs within the context of the present invention by giving both new and experienced user/learners direct access to the interactive process learning aid with the application tool and the business process supported by that tool at their workstation. The interactive process learning aid includes process work-flow definition along with other business process related categories of assistance. The relation between the business process and the application tool is fleshed-out through process-application scripts that preferably include interactive activities, process steps, logic, cadence and priorities. These components are integrated together electronically and available at employee workstations to provide interactive electronic performance support within the context of a precise model of the business process. Preferably this is achieved on line through a web based learning resource that is constantly in step with process and system upgrades as they occur.

The user/learner is assisted in performing a task within the process [para. 0008].

[0008] Accordingly, the present invention is embodied in a business process learning aid that includes functions for assisting a user/learner in carrying out tasks associated with completing the business process wherein the functions include a task resource that assists the user/learner in performing a task within the process. The task resource allows

The learning process includes such things as how to complete the actions required of a specific step in actually carrying out the business process [para 0024].

[0024] The interactive process learning aid 20 includes interactive process-application scripts 22 that primarily

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address the relationship between the business process **14** and the application tools. The process application scripts **22** reside in text, diagrams and voice-over material. These materials principally address the activities, steps, logic, cadence and priorities associated with using the application tool to carry out the business process. For example, in the exemplary work order process there are seven types of work orders, each particular type is created using a base screen (**FIG. 9**), in the application tool. The interactive process-application scripts direct the user/learner through the associates series of steps and actions that are necessary to complete the activity. The learning process includes such things as how to function through the GUI of the application tool **16**, and how to complete the actions required of a specific step in the business process before moving on to the next step.

User/learner[s] are assisted in completing a task within the process to achieve a desired result [para 0028].

[0028] **FIG. 2** illustrates an embodiment of the training architecture model is shown in block diagram form. The learner/user **21** accesses the process **14** and application **16** administered by one or more computers **11** in a network **15** through a workstation **27**. The process features **26**, application features **24** and process-tool scripts **22** of the integrated process learning aid also reside within the network and assist the user/learner **21** in completing a task **28** within the process **14** to achieve a desired result **29**.

User/learner[s] reference the learning resource site while conducting activities with an actual [business process] for guidance and to switch between learning and using at any time [para 0029].

[0029] Referring to **FIG. 3**, a schematic representation of the combined business process and application tool according to the present invention is illustrated. The reference numerals of **FIG. 3** are the same as the corresponding reference numerals for the same item in FIGS. 4-9. The user/learner begins by entering learning resource site **31** from within the work order process and application. This permits a user/learner to reference the site **31** while conducting activities with an actual work order for guidance and to switch between learning and using at any time. Upon

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Therefore, one having ordinary skill in the art will understand that an integrated tool as set forth in Applicants' claims to include integration of a business process actually being carried out on the job, such as through a business application tool, and training associated therewith. Applicants, in a desire to progress the application toward allowance and issue, and if not allowed toward placing the claims in better condition for appeal, have amended claims 1-3 to more particularly point out and distinctly claim the subject matter. Hence, each of claims 1-3 as amended now recites, *inter alia*:

an integrated tool integrating a business process and related training from which the business process is supported and tasks are completed
including a model of the business process wherein the business process includes stages defined by a series of roles and tasks *linked to an application system being used to carry out the business process*
(emphasis added)

Similarly, each of claims 1-3 have been amended, through various recitations, to more particularly point out and distinctly claim the subject matter to make clear that the application system is actually being used to actual carry out the business process "on the job" (i.e. "application system being used to carry out the business process" and "during use of the application system to carry out the business process").

Claim Rejections – 35 U.S.C. § 102

Applicants therefore respectfully request reconsideration of the anticipation rejections levied against claims 1-3 in the subject Office Action in view of the clarifying remarks and amendments made to the claims as set forth herein above. It is well settled that "[a]nticipation requires the disclosure in a single prior art reference of each element of the claim under consideration." *W.L. Gore & Assocs. v. Garlock, Inc.*, 220 USPQ 303, 313 (Fed. Cir. 1983), *cert. denied*, 469 U.S. 851 (1984). And, "[a]bsence from the reference of any

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claimed element negates anticipation.” *Row v. Dror*, 42 USPQ 2d 1550, 1553 (Fed. Cir. 1997) (quoting *Kloster Speedsteel AB v. Crucible, Inc.*, 230 USPQ 81, 84 (Fed. Cir. 1986)).

Each and every element of the claimed invention furthermore must be arranged as in the claim. *Lindemann Maschinenfabrik GmbH v. American Hoist & Derrick Co.*, 730 F.2d 1452, 1458 (Fed. Cir. 1984). The identical invention must be shown in as complete detail as is contained in the claim. *Richardson v. Suzuki Motor Co.*, 868 F.2d 1226, 1236, 9 USPQ2d 1913, 1920 (Fed. Cir. 1989).

O'Connor fails to disclose each and every element of the arranged as in the claims. Specifically, *O'Connor* fails to teach or describe a process learning aid as set forth in the claims comprising, inter alia, integrating a business process and related training from which the business process is supported and tasks are completed including a model of the business process wherein the business process includes stages defined by a series of roles and tasks linked to an application system being used to carry out the business process wherein the business process defines the progression of information by the series of roles and tasks linked to the application system being used to carry out the business process.

Applicants' claims are patentably distinguishable from *O'Connor*, at least in that *O'Connor* merely teaches a system that provides a goal based learning system utilizing rule-based expert training system to provide a cognitive educational experience. This includes a simulated environment, including a robust business model which provides support for realistic activities and allows a student to experience real world consequences for their actions and decisions. *O'Connor* describes the background for having a simulated environment in detail, e.g., the specification at Col. 12, Line 66 through Col. 13, Line 24. There is no teaching in *O'Connor* of an integrated tool integrating a business process and related training from which the business process is supported and tasks are completed –

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rather, *O'Connor* is clearly merely concerned with a simulated environment wherein, by definition, it is not possible to actually complete tasks of the business process. Moreover, *O'Connor* fails to teach an application system being used to carry out the business process as set forth with undeniable particularity in the amended claims at various locations discernable from an examination of the marked-up amended claims as set forth herein above. Again, *O'Connor* is merely concerned with a simulated environment – not actually carrying out a business process.

For at least these reason, Claims 1-3 are patentably distinguishable over *O'Connor*, and therefore allowable.

Claim Rejections – 35 U.S.C. § 103

In addition to the subject Office Action's assertion detailed above respecting importation of limitations into the claims, which assertion Applicants have completely addressed herein above through clarifying remarks and amendments to the claims, the present Office Action rejected claims 1 and 3 under 35 U.S.C. § 103(a) as being unpatentable over *McMenimen* in view of *Judd*. It was stated that *McMenimen* and *Judd* teach all the elements of claim 1 and 3, and it was stated that it would have been obvious to combine the teachings of *McMenimen* and *Judd*. This is the same rejection levied against Applicants' claims in the previous Office Action.

Applicants respectfully traverse any rejection of claims 1 and 3 under 35 U.S.C. § 103(a) over *McMenimen* in view of *Judd*, because *McMenimen* and *Judd* together fail to teach or suggest all elements of Applicants' claims 1 and 3, as is required under the law. Specifically, *McMenimen* and *Judd*, alone or in combination, fail to teach or suggest an integrated tool integrating a business process and related training from which the business

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process is supported and tasks are completed. *McMenimen* and *Judd*, alone or in combination, also fail to teach or describe an application system being used to carry out the business process as set forth with undeniable particularity in the amended claims at various locations discernable from an examination of the marked-up amended claims as set forth herein above.

McMenimen merely teaches an interactive multimedia teaching for demonstrating and teaching occupational skills to a trainee. It is not concerned with business processes nor an application system being used to carry out the business process. *Judd* is solely concerned with application (i.e. software) training and merely sets forth a training and testing system which runs concurrently with a software application, to show a user how to perform software functions. It, too, is not concerned with business processes nor an application system being used to carry out the business process. There is no teaching, therefore, in either or both *McMenimen* and *Judd* that would motivate a combination nor arrive at Applicants' claims 1 or 3 if combined which require, inter alia, an integrated tool integrating a business process and related training from which the business process is supported and tasks are completed and an application system being used to carry out the business process.

As set forth herein above, one having ordinary skill in the art will understand an integrated tool as set forth in Applicants' claims to include integration of a business process actually being carried out on the job, such as through a business application tool, and training associated therewith. Applicants, in a desire to progress the application toward allowance and issue, and if not allowed toward placing the claims in better condition for appeal, have amended claims 1-3 to more particularly point out and distinctly claim the subject matter. Hence, each of claims 1-3 as amended now recites, inter alia:

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an integrated tool integrating a business process and related training from which the business process is supported and tasks are completed
including a model of the business process wherein the business process includes stages defined by a series of roles and tasks *linked to an application system being used to carry out the business process*
(emphasis added)

Similarly, each of claims 1-3 have been amended, through various recitations, to more particularly point out and distinctly claim the subject matter to make clear that the application system is actually being used to actual carry out the business process “on the job” (i.e. “application system being used to carry out the business process” and “during use of the application system to carry out the business process”).

Since neither *McMenimen* and *Judd* even contains the necessary teachings to arrive at at least an integrated tool integrating a business process and related training from which the business process is supported and tasks are completed and an application system being used to carry out the business process, both references in combination also necessarily fail to establish Applicants’ claims 1 and 3. The present Office Action, in rebuttal of Applicants’ remarks in the prior response filed on 7/6/2007, stated that one cannot show nonobviousness by attacking references individually where the rejections are based on combinations of references. However, as demonstrated above, it is not the individual teaching shortfalls alone that Applicants rely upon in traversing the obviousness rejections of claims 1 and 3; rather, it is the impossibility of a combination of references that individually do not teach or suggest certain limitations of the claims to which they are applied in such a rejection to somehow, through the asserted combination, arrive at such claims which contain the very limitations absent from any of the references.

For at least these reason, Claims 1 and 3 are patentably distinguishable over the combination of *McMenimen* in view of *Judd*, and therefore allowable.

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Claim 2 was rejected under 35 U.S.C. § 103(a) as being unpatentable over *McMenimen*, in view of *Judd*, and further in view of *Rice*, USPN 5,788,504. It was stated that *McMenimen*, *Judd*, and *Rice* together teach all the elements of claim 2, and it was stated that it would have been obvious to combine the teachings of *McMenimen*, *Judd*, and *Rice* to allow the system to enable the trainee to be trained in all aspects of his/her responsibilities.

Applicants respectfully traverse any rejection of claim 2 under 35 U.S.C. § 103(a) over *McMenimen* in view of *Judd*, and further in view of *Rice*, because *McMenimen*, *Judd* and *Rice* together fail to teach or describes all elements of Applicants' claim 2, as is required under the law. Specifically, *McMenimen*, *Judd*, and *Rice*, alone or in combination, fail to teach or suggest an integrated tool integrating a business process and related training from which the business process is supported and tasks are completed. *McMenimen*, *Judd*, and *Rice*, alone or in combination, also fail to teach or describe an application system being used to carry out the business process as set forth with undeniable particularity in the amended claims at various locations discernable from an examination of the marked-up amended claims as set forth herein above.

The shortfalls in the disclosures of *McMenimen* and *Judd* have been previously described. *Rice* sets forth a Computerized Training Management System for providing a procedurally defined process that is employed to develop accreditable performance based training programs, and comprises a database that links information needed to maintain a five-phase systematic approach to performance-based training. *Rice* is not concerned with business processes nor an application system being used to carry out the business process. There is no teaching, therefore, in any of *McMenimen*, *Judd*, and *Rice* that would motivate a combination to arrive at Applicants' claim 2 which requires, inter alia, an integrated tool integrating a business process and related training from which the business process is

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supported and tasks are completed and an application system being used to carry out the business process.

For at least these reasons, claim 2 is patentably distinguishable over the combination of *McMenimen* in view of *Judd*, and further in view of *Rice*, and therefore allowable.

Conclusion

Based on the above, it is respectfully submitted that Claims 1-3 are in condition for allowance and Applicants request that same be allowed to proceed to issue.

The Examiner is encouraged to contact the undersigned attorney at the phone number appearing below if any questions remain subsequent to considering this response.

Any fees associated with this response may be charged to General Motors Deposit Account No. 07-0960.

Respectfully submitted,

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